

AMENDED IN SENATE JULY 23, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 490**

**Introduced by Assembly Member Steinberg**

**(Coauthors: Assembly Members Calderon, Cohn, Diaz, Frommer, Jackson, Koretz, Laird, Lieber, Maldonado, Maze, Mullin, Negrete McLeod, and Vargas)**

**(Coauthors: Senators Alpert, Bowen, Kuehl, Perata, Romero, Scott, Soto, and Vasconcellos)**

February 14, 2003

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An act to amend Sections 48645.5, 48850, 48852, 48859, 49061, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, and 16000 of the Welfare and Institutions Code, relating to minors.

### LEGISLATIVE COUNSEL'S DIGEST

AB 490, as amended, Steinberg. Education: foster ~~youth~~ *children*.

(1) Existing law requires a school district to accept for credit any coursework satisfactorily completed by a student while in juvenile court school or in any county or state-operated institution.

This bill would instead require a school district and county office of education to accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency.

(2) Existing law requires every county office of education to make available to agencies that place children in licensed children's institutions information on educational options for children residing in licensed children's institutions within its jurisdiction. Existing law requires every agency that places a child in a licensed children's institution to notify the local educational agency at the time a pupil is placed and requires a local educational agency to invite at least one noneducational agency representative that has placement responsibility for a pupil residing in a licensed children's institution to collaborate with the local educational agency in the monitoring of a placement in a nonpublic, nonsectarian school or agency.

This bill would declare the Legislature's intent to ensure that pupils in foster care and those who are homeless, as defined by specified federal law, have a meaningful opportunity to meet the academic achievement standards to which all pupils are held, are placed in the least restrictive educational programs, and have access to the academic resources, services, and extracurricular and enrichment activities as all other pupils.

The bill would require pupils placed in licensed children's institutions or foster family homes to attend programs operated by the local educational agency except as provided. The bill would require the parent, guardian, or person holding the right to make educational decisions for the pupil to first consider placement of the pupil in the regular public school before any decision to place the pupil in a juvenile court school and would authorize disputes on the educational decisions or placement of the pupil to be brought to the juvenile court for resolution.

The bill would require each ~~local educational agency of the 10 school districts with the greatest number of pupil enrollment in the state and each county office of education~~ to designate a staff person as the educational liaison for foster ~~youth~~ children who are *enrolled in school districts and in county office of education programs within the county and who are* a ward or dependent child of the court, to ensure and facilitate the proper educational placement, enrollment in school, and transfer between schools of foster ~~youth~~ children and to assist foster ~~youth~~ children when transferring schools or school districts, and would impose various related responsibilities on the liaisons. The bill would require the local educational agency serving a foster ~~youth~~ child, at the initial detention or placement, or any subsequent change in placement of the foster ~~youth~~ child, to allow the foster ~~youth~~ child to continue his



or her education in the school the ~~youth~~ *foster child* is currently attending for the duration of the school year, except as provided. ~~The bill would require the State Department of Education and local educational agencies to adopt policies and procedures to ensure that, under certain situations, transportation for a foster youth to and from the school the youth last attended is provided at the request of the liaison.~~

By imposing these additional duties involving foster ~~youth~~ *children* upon local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a local educational agency with which a pupil in foster care has been most recently enrolled that has been informed of the next educational placement of the pupil to cooperate with the county social service or probation department to, upon request, ensure that the educational and other background record of the pupil, is transferred to the receiving local educational agency and the foster children services program in a timely manner.

This bill would delete those provisions and, instead, would provide that the timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency, *as defined*. The bill would require the county placing agency, as soon as it becomes aware of the need to transfer the pupil between schools, to contact the appropriate person at the pupil's local educational agency regarding the transfer. The bill would require the local educational agency, upon receiving the transfer request, to, within 2 business days, transfer the pupil and deliver the pupil's educational information and records to the next educational placement. By imposing a higher level of service on these local agencies, the bill would impose a state-mandated local program.

(4) Existing law prohibits a school district from permitting access to pupil records to any person without parental consent or without a judicial order, except under certain circumstances, including, *among others*, access by a probation officer or district attorney for the purposes of conducting a criminal investigation, or an investigation regarding the declaration of a person to be a ward of the court, or involving a violation of a condition of probation.

This bill would also authorize a school district to permit access to any county placing agency for the purpose of fulfilling the requirements of a certain health and education summary or fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or placement of a pupil.



(5) Existing law permits a foster parent to represent the foster child for the duration of the foster parent-foster child relationship in matters relating to public education of the foster child.

This bill would limit the representation to situations in which the foster child is placed in a planned permanent living arrangement and in which the juvenile court has limited the right of the parent or guardian to make educational decisions.

(6) Existing law authorizes a court to limit the control exercised over a minor by a parent or guardian in all cases where the minor is adjudged a ward or dependent child of the court and requires a court, if it does limit this control, to appoint a person to make educational decisions for the child.

This bill would authorize a court to resolve any dispute between the person appointed to make educational decisions for the child and the child's dependency or delinquency attorney, court-appointed special advocate, care provider, or placing agency regarding the child's educational and school placement decisions. *The bill would authorize the court to make the educational and school placement decisions for the child under certain circumstances.*

(7) Existing law requires area boards on developmental disabilities to, with the consent of the consumer and, when appropriate, a family member, conduct life quality assessments, as provided, with consumers living in out-of-home placements, supported living arrangements, or independent living arrangements. Existing law requires the area board to develop a report of its findings following each life quality assessment and to provide a copy of the report to the consumer, when appropriate, family members, and the regional center providing case management services to the consumer.

This bill would authorize a life quality assessment to be conducted with the consent of the juvenile court or social services agency if the consumer is a dependent of the juvenile court and would require the area board to provide a copy of the life quality assessment of that consumer, upon request, to the court or social services agency.

(8) This bill would further declare the intent of the Legislature to ensure that a pupil in foster care or who is homeless, as defined by specified federal law, has the opportunity to meet the academic achievement standards to which all pupils are held, is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities as all other pupils.



(9) The bill would also update cross-references and make conforming and other technical changes.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 48645.5 of the Education Code is  
2 amended to read:

3 48645.5. Each public school district and county office of  
4 education shall accept for credit full or partial coursework  
5 satisfactorily completed by a pupil while attending a public school,  
6 juvenile court school, or nonpublic, nonsectarian school or  
7 agency. The coursework shall be transferred by means of the  
8 standard state transcript. If a pupil completes the graduation  
9 requirements of his or her school district of residence while being  
10 detained, the school district of residence shall issue to the pupil a  
11 diploma from the school the pupil last attended before detention  
12 or in the alternative, the county superintendent of schools may  
13 issue the diploma.

14 SEC. 2. Section 48850 of the Education Code is amended to  
15 read:

16 48850. (a) It is the intent of the Legislature to ensure that all  
17 pupils in foster care and those who are homeless as defined by the  
18 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
19 Sec. 11301 et seq.) have a meaningful opportunity to meet the  
20 challenging state pupil academic achievement standards to which  
21 all pupils are held. In fulfilling their responsibilities to these  
22 pupils, educators, county placing agencies, care providers,



1 advocates, and the juvenile courts shall work together to maintain  
2 stable school placements and to ensure that each pupil is placed in  
3 the least restrictive educational programs, and has access to the  
4 academic resources, services, and extracurricular and enrichment  
5 activities that are available to all pupils. In all instances,  
6 educational and school placement decisions must be based on the  
7 best interests of the child.

8 (b) Every county office of education shall make available to  
9 agencies that place children in licensed children's institutions  
10 information on educational options for children residing in  
11 licensed children's institutions within the jurisdiction of the  
12 county office of education for use by the placing agencies in  
13 assisting parents and foster children to choose educational  
14 placements.

15 (c) For purposes of individuals with exceptional needs residing  
16 in licensed children's institutions, making a copy of the annual  
17 service plan, prepared pursuant to subdivision (b) of Section  
18 56205, available to those special education local plan areas that  
19 have revised their local plans pursuant to Section 56836.03 shall  
20 meet the requirements of subdivision (b).

21 SEC. 3. *Section 48852 of the Education Code is amended to*  
22 *read:*

23 48852. Every agency that places a child in a licensed  
24 children's institution shall notify the local educational agency at  
25 the time a pupil is placed in a licensed children's institution. As  
26 part of that notification, the *county* placing agency shall provide  
27 any available information on immediate past educational  
28 placements to facilitate prompt transfer of records and appropriate  
29 educational placement. ~~Nothing in this~~ *This section shall be*  
30 ~~construed to~~ *does not* prohibit prompt educational placement prior  
31 to notification.

32 SEC. 4. Section 48853 is added to the Education Code, to  
33 read:

34 48853. (a) A pupil placed in a licensed children's institution  
35 or foster family home shall attend programs operated by the local  
36 educational agency, unless the pupil has an individualized  
37 education program requiring placement in a nonpublic,  
38 nonsectarian school or agency, or in another local educational  
39 agency.

(b) Before any decision is made to place a pupil in a juvenile court school as defined by Section 48645.1, the parent or guardian, or the person holding the right to make educational decisions for the pupil pursuant to Section 361 or 726 of the Welfare and Institutions Code or Section 56055, shall first consider placement in the regular public school. Any dispute between the person holding the right to make educational decisions for the pupil and the dependency or delinquency attorney of the pupil, court-appointed special advocate, care provider, or placing agency regarding the educational decisions or placement of the pupil in a juvenile court school may be brought to the juvenile court for resolution. In all instances, educational and school placement decisions shall be based on the best interests of the child.

(c) If any dispute arises as to the school placement of a pupil subject to this section, the pupil has the right to remain in his or her school of origin, as defined in subdivision (d) of Section 48853.5, pending resolution of the dispute.

(d) *This section does not supersede other laws that govern pupil expulsion.*

(e) *Foster children living in short-term emergency shelters, as referenced in Part B of Subchapter VI of the McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11431 et seq.), may receive educational services at the emergency shelter as necessary for short periods of time for either of the following reasons:*

*(1) For health and safety emergencies.*

*(2) To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interest to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.*

*The educational services may be provided at the shelter pending a determination by the educational liaison or the juvenile court regarding the educational placement of the child.*

~~SEC. 4.~~

SEC. 5. Section 48853.5 is added to the Education Code, to read:

48853.5. (a) This section applies to any foster ~~youth~~ child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition



1 filed under Section 300 or 602 of the Welfare and Institutions  
2 Code, or has been removed from his or her home and is the subject  
3 of a petition filed under Section 300 or 602 of the Welfare and  
4 Institutions Code.

5 ~~(b) Each local educational agency shall designate a staff person~~  
6 ~~as the educational liaison for foster youth. In a school district that~~

7 *(b) Each of the 10 school districts with the greatest number of*  
8 *pupil enrollment in the state and each county office of education*  
9 *shall designate a staff person as the educational liaison for foster*  
10 *children who are enrolled as pupils in school districts and in*  
11 *county office of education programs within the county. In a school*  
12 *district or county office of education that operates a foster children*  
13 *services program pursuant to Chapter 11.3 (commencing with*  
14 *Section 42920) of Part 24, the educational liaison shall be*  
15 *affiliated with the local foster children services program. The*  
16 *liaison shall do all of the following:*

17 (1) Ensure and facilitate the proper educational placement,  
18 enrollment in school, and checkout from school of foster youth  
19 children.

20 (2) Assist foster youth children when transferring from one  
21 school to another or from one school district to another in ensuring  
22 proper transfer of credits, records, and grades.

23 (c) Subdivision (b) does not prohibit any other school district  
24 from designating a staff person as the educational liaison for foster  
25 children.

26 (d) This section does not grant authority to the educational  
27 liaison that supersedes the authority granted under state and  
28 federal law to a parent or guardian retaining educational rights,  
29 a responsible adult appointed by the court to represent the child  
30 pursuant to Section 361 or 726 of the Welfare and Institutions  
31 Code, a surrogate parent, or a foster parent exercising the  
32 authority granted under Section 56055. The role of the educational  
33 liaison is advisory with respect to placement decisions and  
34 determination of school of origin.

35 ~~(e)~~

36 (e) (1) At the initial detention or placement, or any subsequent  
37 change in placement of a foster youth child, the local educational  
38 agency serving the foster youth child shall allow the foster youth  
39 child to continue his or her education in the school of origin for the  
40 duration of the academic school year.



(2) The liaison, in consultation with and the agreement of the foster ~~youth~~ *child* and the person holding the right to make educational decisions for the ~~youth~~ *foster child* may, in accordance with the ~~youth's~~ *foster child's* best interest, ~~waive the youth's~~ *recommend that the foster child's* right to attend the school of origin ~~and enroll the youth be waived and the foster child be~~ *enrolled* in any public school that pupils living in the attendance area in which the ~~youth~~ *foster child* resides are eligible to attend.

~~(3) The State Department of Education and the local educational agencies shall adopt policies and practices to ensure that transportation is provided at the request of the liaison, in consultation with and the agreement of the foster youth and the person holding the right to make educational decisions for the youth, to and from the school of origin, in accordance with the following, as applicable:~~

~~(A) If the foster youth continues to live in the area served by the local educational agency in which the school of origin is located, the youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.~~

~~(B) If the foster youth is living in an area served by another local educational agency, the local educational agency of the school of origin and the local educational agency serving the area in which the foster youth is living shall agree upon a method to apportion the responsibility and costs for providing the youth with transportation to and from the school of origin. If the local educational agencies are unable to agree upon the method of apportionment, the responsibility and costs for transportation shall be shared equally.~~

~~(4)~~

(3) Prior to making any recommendation to move a foster ~~youth~~ *child* from his or her school of origin, the liaison shall provide the ~~youth~~ *foster child* and the person holding the right to make educational decisions for the ~~youth~~ *foster child* with a written explanation stating the basis for the recommendation and how this recommendation serves the ~~youth's~~ *foster child's* best interest.

~~(5)~~

(4) (A) If the liaison in consultation with the foster ~~youth~~ *child* and the person holding the right to make educational decisions for

1 the ~~youth~~ *foster child* agree that the best interests of the ~~youth~~  
2 *foster child* would be served by his or her transfer to a school other  
3 than the school of origin, the ~~youth~~ *foster child* shall immediately  
4 be enrolled in the new school.

5 (B) The new school shall immediately enroll the foster ~~youth~~  
6 *child* even if the ~~youth~~ *foster child* is unable to produce records or  
7 clothing normally required for enrollment, such as previous  
8 academic records, medical records, proof of residency, other  
9 documentation, or school uniforms.

10 (C) The liaison for the new school shall, within two business  
11 days of the ~~youth's~~ *foster child's* request for enrollment, contact the  
12 school last attended by the ~~youth~~ *foster child* to obtain all academic  
13 and other records. The school liaison for the school last attended  
14 shall provide all records to the new school within two business  
15 days of receiving the request.

16 ~~(6)~~

17 (5) If any dispute arises regarding the request of a foster ~~youth~~  
18 *child* to remain in the school of origin, the ~~youth~~ *foster child* has  
19 the right to remain in the school of origin pending resolution of the  
20 dispute.

21 ~~(d)~~

22 (6) *The local educational agency and the county placing*  
23 *agency are encouraged to collaborate to ensure maximum*  
24 *utilization of available federal moneys, explore public-private*  
25 *partnerships, and access any other funding sources to promote the*  
26 *well-being of foster children through educational stability.*

27 (f) For purposes of this section, “school of origin” means the  
28 school that the foster ~~youth~~ *child* attended when permanently  
29 housed or the school in which the ~~youth~~ *foster child* was last  
30 enrolled. *If the school the foster child attended when permanently*  
31 *housed is different from the school in which the foster child was last*  
32 *enrolled, or if there is some other school that the foster child*  
33 *attended with which the foster child is affiliated, the liaison, in*  
34 *consultation with and the agreement of the foster child and the*  
35 *person holding the right to make educational decisions for the*  
36 *foster child, shall determine in the best interest of the foster child,*  
37 *the school that shall be deemed the school of origin.*

38 (g) *This section does not supersede other law governing the*  
39 *educational placements in juvenile court schools, as defined by*

Section 48645.1, by the juvenile court under Section 602 of the Welfare and Institutions Code.

~~SEC. 5.—~~

SEC. 6. Section 48859 of the Education Code is amended to read:

48859. For purposes of this chapter, ~~“educational authority” means an entity designated to represent the interests of a child for educational and related services.~~ the following terms have the following meanings:

(a) “County placing agency” means the county social service department or county probation department.

(b) “Educational authority” means an entity designated to represent the interests of a child for educational and related services.

SEC. 7. Section 49061 of the Education Code is amended to read:

49061. As used in this chapter:

(a) “Parent” means a natural parent, an adopted parent, or legal guardian. If the parents are divorced or legally separated, only the a parent having legal custody of the pupil may challenge the content of a record pursuant to Section 49070, offer a written response to a record pursuant to Section 49072, or consent to release records to others pursuant to Section 49075, ~~provided, however, that either.~~ Either parent may grant consent if both parents have notified, in writing, the school or school district that such an agreement has been made. ~~Whenever~~ If a pupil has attained the age of 18 years or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the pupil.

(b) “Pupil record” means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm or other means.

“Pupil record” ~~shall~~ does not include informal notes related to a pupil compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. For purposes of this

1 subdivision, “substitute” means a person who performs the duties  
2 of the individual who made the notes on a temporary basis, and  
3 does not refer to a person who permanently succeeds the maker of  
4 the notes in his or her position.

5 (c) “Directory information” means one or more of the  
6 following items: ~~student’s~~ *pupil’s* name, address, telephone  
7 number, date and place of birth, major field of study, participation  
8 in officially recognized activities and sports, weight and height of  
9 members of athletic teams, dates of attendance, degrees and  
10 awards received, and the most recent previous public or private  
11 school attended by the ~~student~~ *pupil*.

12 (d) “School district” means any school district maintaining  
13 any of grades kindergarten through 12, any public school  
14 providing instruction in any of grades kindergarten through 12, the  
15 office of the county superintendent of schools, or any special  
16 school operated by the ~~Department of Education~~ *department*.

17 (e) “Access” means a personal inspection and review of a  
18 record or an accurate copy of a record, or receipt of an accurate  
19 copy of a record, an oral description or communication of a record  
20 or an accurate copy of a record, and a request to release a copy of  
21 any record.

22 (f) “County placing agency” means the county social service  
23 department or county probation department.

24 SEC. 8. Section 49069.5 of the Education Code is amended to  
25 read:

26 49069.5. (a) The Legislature finds and declares that the  
27 mobility of pupils in foster care often disrupts their educational  
28 experience. The Legislature also finds that efficient transfer  
29 procedures and transfer of pupil records is a critical factor in the  
30 swift placement of foster children in educational settings.

31 (b) The proper and timely transfer between schools of pupils in  
32 foster care is the responsibility of both the local educational  
33 agency and the county placing agency.

34 (c) As soon as the county placing agency becomes aware of the  
35 need to transfer a pupil in foster care out of his or her current  
36 school, the county placing agency shall contact the appropriate  
37 person at the local educational agency of the pupil. The county  
38 placing agency shall notify the local educational agency of the date  
39 that the pupil will be leaving the school and request that the pupil  
40 be transferred out.

(d) Upon receiving a transfer request from a county placing agency, the local educational agency shall, within two business days, transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement.

(e) As part of the transfer process described under subdivisions (c) and (d), the local educational agency shall compile the complete educational record of the pupil including a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the pupil's plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(f) The local educational agency shall assign the duties listed in this section to a person competent to handle the transfer procedure and aware of the specific educational record keeping needs of homeless, foster, and other transient children who transfer between schools.

(g) The local educational agency shall ensure that if the pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or *county* placing agency, the grades and credits of the pupil will be calculated as of the date the pupil left school, and no lowering of grades will occur as a result of the absence of the pupil under these circumstances.

(h) The local educational agency shall ensure that if the pupil in foster care is absent from school due to a verified court appearance or related court ordered activity, no lowering of his or her grades will occur as a result of the absence of the pupil under these circumstances.

~~SEC. 6.~~

SEC. 9. Section 49076 of the Education Code is amended to read:

49076. A school district is not authorized to permit access to pupil records to any person without written parental consent or under judicial order except that:

(a) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

(1) School officials and employees of the district, members of a school attendance review board appointed pursuant to Section 48321, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing followup services to pupils referred to the school attendance review board, provided that the person has a legitimate educational interest to inspect a record.

(2) Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided or where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section 49068.

(3) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, and administrative head of an education agency, state education officials, or their respective designees, or the United States Office of Civil Rights, where the information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law, provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner which will not permit the personal identification of pupils or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for the audit, evaluation, and enforcement of federal legal requirements.

(4) Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.

(5) Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.

(6) A pupil 16 years of age or older or having completed the 10th grade who requests access.

(7) Any district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5, or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.

(8) A prosecuting agency for consideration against a parent or guardian for failure to comply with the Compulsory Education Law (Chapter 2 (commencing with Section 48200) of Part 27) or with Compulsory Continuation Education (Chapter 3 (commencing with Section 48400) of Part 27).

(9) Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

(10) Any judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. A school district releasing pupil information to a judge or probation officer pursuant to this paragraph shall inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information.

(11) Any county placing agency for the purpose of fulfilling the requirements of the health and education summary required pursuant to Section 16010 of the Welfare and Institutions Code or for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law and to assist with the school transfer or enrollment of a pupil. School districts, *county offices of education*, and county child protection agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by electronic mail, facsimile, electronic format, or other secure means.

(b) School districts may release information from pupil records to the following:

(1) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons.

(2) Agencies or organizations in connection with the application of a pupil for, or receipt of, financial aid. However, information permitting the personal identification of a pupil or his or her parents may be disclosed only as may be necessary for purposes as to determine the eligibility of the pupil for financial



1 aid, to determine the amount of the financial aid, to determine the  
2 conditions which will be imposed regarding the financial aid, or  
3 to enforce the terms or conditions of the financial aid.

4 (3) The county elections official, for the purpose of identifying  
5 pupils eligible to register to vote, and for conducting programs to  
6 offer pupils an opportunity to register to vote. The information,  
7 however, shall not be used for any other purpose or given or  
8 transferred to any other person or agency.

9 (4) Accrediting associations in order to carry out their  
10 accrediting functions.

11 (5) Organizations conducting studies for, or on behalf of,  
12 educational agencies or institutions for the purpose of developing,  
13 validating, or administering predictive tests, administering student  
14 aid programs, and improving instruction, if the studies are  
15 conducted in a manner that will not permit the personal  
16 identification of pupils or their parents by persons other than  
17 representatives of the organizations and the information will be  
18 destroyed when no longer needed for the purpose for which it is  
19 obtained.

20 (6) Officials and employees of private schools or school  
21 systems where the pupil is enrolled or intends to enroll, subject to  
22 the rights of parents as provided in Section 49068. This  
23 information shall be in addition to the pupil's permanent record  
24 transferred pursuant to Section 49068.

25 A person, persons, agency, or organization permitted access to  
26 pupil records pursuant to this section may not permit access to any  
27 information obtained from those records by any other person,  
28 persons, agency, or organization without the written consent of the  
29 pupil's parent. However, this paragraph does not require prior  
30 parental consent when information obtained pursuant to this  
31 section is shared with other persons within the educational  
32 institution, agency, or organization obtaining access, so long as  
33 those persons have a legitimate interest in the information.

34 (c) Notwithstanding any other provision of law, any school  
35 district, including any county office of education or  
36 superintendent of schools, may participate in an interagency data  
37 information system that permits access to a computerized database  
38 system within and between governmental agencies or districts as  
39 to information or records which are nonprivileged, and where  
40 release is authorized as to the requesting agency under state or



1 federal law or regulation, if each of the following requirements are  
2 met:

3 (1) Each agency and school district shall develop security  
4 procedures or devices by which unauthorized personnel cannot  
5 access data contained in the system.

6 (2) Each agency and school district shall develop procedures or  
7 devices to secure privileged or confidential data from  
8 unauthorized disclosure.

9 (3) Each school district shall comply with the access log  
10 requirements of Section 49064.

11 (4) The right of access granted shall not include the right to add,  
12 delete, or alter data without the written permission of the agency  
13 holding the data.

14 (5) An agency or school district may not make public or  
15 otherwise release information on an individual contained in the  
16 database where the information is protected from disclosure or  
17 release as to the requesting agency by state or federal law or  
18 regulation.

19 ~~SEC. 7.~~

20 *SEC. 10.* Section 56055 of the Education Code is amended to  
21 read:

22 56055. (a) (1) Except as provided in subdivisions (b), (c),  
23 and (d), a foster parent may exercise, to the extent permitted by  
24 federal law, including, but not limited to, Section 300.20 of Title  
25 34 of the Code of Federal Regulations, the rights related to his or  
26 her foster child's education that a parent has under Title 20  
27 (commencing with Section 1400) of the United States Code and  
28 pursuant to Part 300 (commencing with Section 300.1) of Title 34  
29 of the Code of Federal Regulations. The foster parent may  
30 represent the foster child for the duration of the foster parent-foster  
31 child relationship in matters relating to identification, assessment,  
32 instructional planning and development, educational placement,  
33 reviewing and revising an individualized education program, if  
34 necessary, and in all other matters relating to the provision of a free  
35 appropriate public education of the child. Notwithstanding any  
36 other provision of law, this representation shall include the  
37 provision of written consent to the individualized education  
38 program, including nonemergency medical services, mental  
39 health treatment services, and occupational or physical therapy

1 services pursuant to this chapter. The foster parent may sign any  
2 consent relating to individualized education program purposes.

3 (2) A foster parent exercising rights relative to a foster child  
4 under this section may consult with the parent or guardian of the  
5 child to ensure continuity of health, mental health, or other  
6 services.

7 (b) A foster parent who had been excluded by court order from  
8 making educational decisions on behalf of a pupil does not have  
9 the rights relative to the pupil set forth in subdivision (a).

10 (c) This section only applies if the juvenile court has limited the  
11 right of the parent or guardian to make educational decisions on  
12 behalf of the child, and the child has been placed in a planned  
13 permanent living arrangement pursuant to paragraph (3) of  
14 subdivision (g) of Section 366.21, Section 366.22, or Section  
15 366.26 of the Welfare and Institutions Code.

16 (d) For purposes of this section, a foster parent shall include a  
17 person, relative caretaker, or nonrelative extended family member  
18 as defined in Section 362.7 of the Welfare and Institutions Code,  
19 who has been licensed or approved by the county welfare or  
20 probation department, or has been approved by the juvenile court.

21 ~~SEC. 8.~~

22 *SEC. 11.* Section 361 of the Welfare and Institutions Code is  
23 amended to read:

24 361. (a) In all cases in which a minor is adjudged a dependent  
25 child of the court on the ground that the minor is a person described  
26 by Section 300, the court may limit the control to be exercised over  
27 the dependent child by any parent or guardian and shall by its order  
28 clearly and specifically set forth all those limitations. Any  
29 limitation on the right of the parent or guardian to make  
30 educational decisions for the child shall be specifically addressed  
31 in the court order. The limitations may not exceed those necessary  
32 to protect the child. If the court specifically limits the right of the  
33 parent or guardian to make educational decisions for the child, the  
34 court shall at the same time appoint a responsible adult to make  
35 educational decisions for the child until one of the following  
36 occurs:

37 (1) The minor reaches 18 years of age, unless the child chooses  
38 not to make educational decisions for himself or herself, or is  
39 deemed by the court to be incompetent.



(2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.

(3) The right of the parent or guardian to make educational decisions for the minor is fully restored.

(4) A successor guardian or conservator is appointed.

(5) The child is placed into a planned permanent living arrangement pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, or Section 366.26, at which time the foster parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7 has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code.

An individual who would have a conflict of interest in representing the child may not be appointed to make educational decisions. For purposes of this section, “an individual who would have a conflict of interest,” means a person having any interests that might restrict or bias his or her ability to make educational decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys’ fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because he or she receives compensation for the provision of services pursuant to this section.

Any dispute between the person appointed to make educational decisions for the child and the child’s dependency or delinquency attorney, court-appointed special advocate, care provider, or placing agency regarding educational and school placement decisions concerning the child may be resolved by the juvenile court. ~~If the court is unable to appoint a responsible adult to make educational decisions for the child,~~ *reasonable efforts to locate a responsible adult or surrogate parent to make educational decisions for the child are unsuccessful, and if there is no foster parent to exercise the authority granted by Section 56055 of the Education Code,* the court may, with input from any interested persons, make educational and school placement decisions concerning the child. All educational and school placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are

1 available to all pupils. In all instances, educational and school  
2 placement decisions shall be based on the best interests of the  
3 child.

4 (b) Subdivision (a) does not limit the ability of a parent to  
5 voluntarily relinquish his or her child to the State Department of  
6 Social Services or to a licensed county adoption agency at any time  
7 while the child is a dependent child of the juvenile court, if the  
8 department or agency is willing to accept the relinquishment.

9 (c) A dependent child may not be taken from the physical  
10 custody of his or her parents or guardian or guardians with whom  
11 the child resides at the time the petition was initiated, unless the  
12 juvenile court finds clear and convincing evidence of any of the  
13 following:

14 (1) There is a substantial danger to the physical health, safety,  
15 protection, or physical or emotional well-being of the minor or  
16 would be if the minor were returned home, and there are no  
17 reasonable means by which the minor's physical health can be  
18 protected without removing the minor from the minor's parents'  
19 or guardians' physical custody. The fact that a minor has been  
20 adjudicated a dependent child of the court pursuant to subdivision  
21 (e) of Section 300 shall constitute prima facie evidence that the  
22 minor cannot be safely left in the custody of the parent or guardian  
23 with whom the minor resided at the time of injury. The court shall  
24 consider, as a reasonable means to protect the minor, the option of  
25 removing an offending parent or guardian from the home. The  
26 court shall also consider, as a reasonable means to protect the  
27 minor, allowing a nonoffending parent or guardian to retain  
28 custody as long as that parent or guardian presents a plan  
29 acceptable to the court demonstrating that he or she will be able to  
30 protect the child from future harm.

31 (2) The parent or guardian of the minor is unwilling to have  
32 physical custody of the minor, and the parent or guardian has been  
33 notified that if the minor remains out of their physical custody for  
34 the period specified in Section 366.25 or 366.26, the minor may  
35 be declared permanently free from their custody and control.

36 (3) The minor is suffering severe emotional damage, as  
37 indicated by extreme anxiety, depression, withdrawal, or  
38 untoward aggressive behavior toward himself or herself or others,  
39 and there are no reasonable means by which the minor's emotional



1 health may be protected without removing the minor from the  
2 physical custody of his or her parent or guardian.

3 (4) The minor or a sibling of the minor has been sexually  
4 abused, or is deemed to be at substantial risk of being sexually  
5 abused, by a parent, guardian, or member of his or her household,  
6 or other person known to his or her parent, and there are no  
7 reasonable means by which the minor can be protected from  
8 further sexual abuse or a substantial risk of sexual abuse without  
9 removing the minor from his or her parent or guardian, or the  
10 minor does not wish to return to his or her parent or guardian.

11 (5) The minor has been left without any provision for his or her  
12 support, or a parent who has been incarcerated or institutionalized  
13 cannot arrange for the care of the minor, or a relative or other adult  
14 custodian with whom the child has been left by the parent is  
15 unwilling or unable to provide care or support for the child and the  
16 whereabouts of the parent is unknown and reasonable efforts to  
17 locate him or her have been unsuccessful.

18 (d) The court shall make a determination as to whether  
19 reasonable efforts were made to prevent or to eliminate the need  
20 for removal of the minor from his or her home or, if the minor is  
21 removed for one of the reasons stated in paragraph (5) of  
22 subdivision (c), whether it was reasonable under the circumstances  
23 not to make any of those efforts. The court shall state the facts on  
24 which the decision to remove the minor is based.

25 (e) The court shall make all of the findings required by  
26 subdivision (a) of Section 366 in either of the following  
27 circumstances:

28 (1) The minor has been taken from the custody of his or her  
29 parent or guardian and has been living in an out-of-home  
30 placement pursuant to Section 319.

31 (2) The minor has been living in a voluntary out-of-home  
32 placement pursuant to Section 16507.4.

33 ~~SEC. 9.~~

34 *SEC. 12.* Section 366.27 of the Welfare and Institutions Code  
35 is amended to read:

36 366.27. (a) If a court, pursuant to paragraph (3) of  
37 subdivision (g) of Section 366.21, Section 366.22, or Section  
38 366.26, orders the placement of a minor in a planned permanent  
39 living arrangement with a relative, the court may authorize the

1 relative to provide the same legal consent for the minor's medical,  
2 surgical, and dental care as the custodial parent of the minor.

3 (b) If a court orders the placement of a minor in a planned  
4 permanent living arrangement with a foster parent, relative  
5 caretaker, or nonrelative extended family member as defined in  
6 Section 362.7, the court may limit the right of the minor's parent  
7 or guardian to make educational decisions on the minor's behalf,  
8 so that the foster parent, relative caretaker, or nonrelative extended  
9 family member may exercise the educational consent duties  
10 pursuant to Section 56055 of the Education Code.

11 (c) If a court orders the placement of a minor in a planned  
12 permanent living arrangement, for purposes of this section, a  
13 foster parent shall include a person, relative caretaker, or a  
14 nonrelative extended family member as defined in Section 362.7,  
15 who has been licensed or approved by the county welfare or  
16 probation department, or ~~has been approved by the juvenile court~~  
17 *the State Department of Social Services.*

18 ~~SEC. 10.~~

19 *SEC. 13.* Section 726 of the Welfare and Institutions Code is  
20 amended to read:

21 726. (a) In all cases in which a minor is adjudged a ward or  
22 dependent child of the court, the court may limit the control to be  
23 exercised over the ward or dependent child by any parent or  
24 guardian and shall in its order, clearly and specifically set forth all  
25 those limitations, but no ward or dependent child shall be taken  
26 from the physical custody of a parent or guardian, unless upon the  
27 hearing the court finds one of the following facts:

28 (1) That the parent or guardian is incapable of providing or has  
29 failed or neglected to provide proper maintenance, training, and  
30 education for the minor.

31 (2) That the minor has been tried on probation while in custody  
32 and has failed to reform.

33 (3) That the welfare of the minor requires that custody be taken  
34 from the minor's parent or guardian.

35 (b) Whenever the court specifically limits the right of the  
36 parent or guardian to make educational decisions for the minor, the  
37 court shall at the same time appoint a responsible adult to make  
38 educational decisions for the child until one of the following  
39 occurs:



1 (1) The minor reaches 18 years of age, unless the child  
2 chooses not to make educational decisions for himself or herself,  
3 or is deemed by the court to be incompetent.

4 (2) Another responsible adult is appointed to make educational  
5 decisions for the minor pursuant to this section.

6 (3) The right of the parent or guardian to make educational  
7 decisions for the minor is fully restored.

8 (4) A successor guardian or conservator is appointed.

9 (5) The child is placed into a planned permanent living  
10 arrangement pursuant to paragraph (3) of subdivision (g) of  
11 Section 366.21, Section 366.22, Section 366.26, or paragraph (5)  
12 or (6) of subdivision (b) of Section 727.3, at which time the foster  
13 parent, relative caretaker, or nonrelative extended family member  
14 as defined in Section 362.7 has the right to represent the child in  
15 educational matters pursuant to Section 56055 of the Education  
16 Code.

17 An individual who would have a conflict of interest in  
18 representing the child, as specified under federal regulations, may  
19 not be appointed to make educational decisions. For purposes of  
20 this section, “an individual who would have a conflict of interest,”  
21 means a person having any interests that might restrict or bias his  
22 or her ability to make educational decisions, including, but not  
23 limited to, those conflicts of interest prohibited by Section 1126 of  
24 the Government Code, and the receipt of compensation or  
25 attorneys’ fees for the provision of services pursuant to this  
26 section. A foster parent may not be deemed to have a conflict of  
27 interest solely because he or she receives compensation for the  
28 provision of services pursuant to this section.

29 Any dispute between the person appointed to make educational  
30 decisions for the child and the child’s dependency or delinquency  
31 attorney, court-appointed special advocate, care provider, or  
32 placing agency regarding educational and school placement  
33 decisions concerning the child may be resolved by the juvenile  
34 court. ~~If the court is unable to appoint a responsible adult to make~~  
35 ~~educational decisions for the child,~~ *reasonable efforts to locate a*  
36 *responsible adult or surrogate parent to make educational*  
37 *decisions for the child are unsuccessful, and if there is no foster*  
38 *parent to exercise the authority granted by Section 56055 of the*  
39 *Education Code,* the court may, with input from any interested  
40 persons, make educational and school placement decisions

1 concerning the child. All educational and school placement  
2 decisions shall seek to ensure that the child is in the least restrictive  
3 educational programs and has access to the academic resources,  
4 services, and extracurricular and enrichment activities that are  
5 available to all pupils. In all instances, educational and school  
6 placement decisions shall be based on the best interests of the  
7 child.

8 (c) If the minor is removed from the physical custody of his or  
9 her parent or guardian as the result of an order of wardship made  
10 pursuant to Section 602, the order shall specify that the minor may  
11 not be held in physical confinement for a period in excess of the  
12 maximum term of imprisonment which could be imposed upon an  
13 adult convicted of the offense or offenses which brought or  
14 continued the minor under the jurisdiction of the juvenile court.

15 As used in this section and in Section 731, “maximum term of  
16 imprisonment” means the longest of the three time periods set  
17 forth in paragraph (2) of subdivision (a) of Section 1170 of the  
18 Penal Code, but without the need to follow the provisions of  
19 subdivision (b) of Section 1170 of the Penal Code or to consider  
20 time for good behavior or participation pursuant to Sections 2930,  
21 2931, and 2932 of the Penal Code, plus enhancements which must  
22 be proven if pled.

23 If the court elects to aggregate the period of physical  
24 confinement on multiple counts or multiple petitions, including  
25 previously sustained petitions adjudging the minor a ward within  
26 Section 602, the “maximum term of imprisonment” shall be the  
27 aggregate term of imprisonment specified in subdivision (a) of  
28 Section 1170.1 of the Penal Code, which includes any additional  
29 term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1  
30 of the Penal Code, and Section 11370.2 of the Health and Safety  
31 Code.

32 If the charged offense is a misdemeanor or a felony not included  
33 within the scope of Section 1170 of the Penal Code, the  
34 “maximum term of imprisonment” is the longest term of  
35 imprisonment prescribed by law.

36 “Physical confinement” means placement in a juvenile hall,  
37 ranch, camp, forestry camp or secure juvenile home pursuant to  
38 Section 730, or in any institution operated by the Youth Authority.

1 This section does not limit the power of the court to retain  
2 jurisdiction over a minor and to make appropriate orders pursuant  
3 to Section 727 for the period permitted by Section 607.

4 ~~SEC. 11.~~

5 *SEC. 14.* Section 727.2 of the Welfare and Institutions Code  
6 is amended to read:

7 727.2. The purpose of this section is to provide a means to  
8 monitor the safety and well-being of every minor in foster care  
9 who has been declared a ward of the juvenile court pursuant to  
10 Section 601 or 602 and to ensure that everything reasonably  
11 possible is done to facilitate the safe and early return of the minor  
12 to his or her home or to establish an alternative permanent plan for  
13 the minor.

14 (a) If the court orders the care, custody, and control of the minor  
15 to be under the supervision of the probation officer for placement  
16 pursuant to subdivision (a) of Section 727, the juvenile court shall  
17 order the probation department to ensure the provision of  
18 reunification services to facilitate the safe return of the minor to  
19 his or her home or the permanent placement of the minor, and to  
20 address the needs of the minor while in foster care, except as  
21 provided in subdivision (b).

22 (b) Reunification services need not be provided to a parent or  
23 legal guardian if the court finds by clear and convincing evidence  
24 that one or more of the following is true:

25 (1) Reunification services were previously terminated for that  
26 parent or guardian, pursuant to Section 366.21 or 366.22, or not  
27 offered, pursuant to subdivision (b) of Section 361.5, in reference  
28 to the same minor.

29 (2) The parent has been convicted of any of the following:

30 (A) Murder of another child of the parent.

31 (B) Voluntary manslaughter of another child of the parent.

32 (C) Aiding or abetting, attempting, conspiring, or soliciting to  
33 commit that murder or manslaughter described in subparagraph  
34 (A) or (B).

35 (D) A felony assault that results in serious bodily injury to the  
36 minor or another child of the parent.

37 (3) The parental rights of the parent with respect to a sibling  
38 have been terminated involuntarily, and it is not in the best interest  
39 of the minor to reunify with his or her parent or legal guardian.

1 If no reunification services are offered to the parent or guardian,  
2 the permanency planning hearing, as described in Section 727.3,  
3 shall occur within 30 days of the date of the hearing at which the  
4 decision is made not to offer services.

5 (c) The status of every minor declared a ward and ordered to be  
6 placed in foster care shall be reviewed by the court no less  
7 frequently than once every six months. The six-month time  
8 periods shall be calculated from the date the minor entered foster  
9 care, as defined in paragraph (4) of subdivision (d) of Section  
10 727.4. If the court so elects, the court may declare the hearing at  
11 which the court orders the care, custody, and control of the minor  
12 to be under the supervision of the probation officer for foster care  
13 placement pursuant to subdivision (a) of Section 727 at the first  
14 status review hearing. It shall be the duty of the probation officer  
15 to prepare a written social study report including an updated case  
16 plan, pursuant to subdivision (b) of Section 706.5, and submit the  
17 report to the court prior to each status review hearing, pursuant to  
18 subdivision (b) of Section 727.4. The social study report shall  
19 include all reports the probation officer relied upon in making his  
20 or her recommendations.

21 (d) Prior to any status review hearing involving a minor in the  
22 physical custody of a community care facility or foster family  
23 agency, the facility or agency may provide the probation officer  
24 with a report containing its recommendations. Prior to any status  
25 review hearing involving the physical custody of a foster parent,  
26 relative caregiver, preadoptive parent, or legal guardian, that  
27 person may present to the court a report containing his or her  
28 recommendations. The court shall consider all reports and  
29 recommendations filed pursuant to subdivision (c) and pursuant to  
30 this subdivision.

31 (e) At any status review hearing prior to the first permanency  
32 planning hearing, the court shall consider the safety of the minor  
33 and make findings and orders which determine the following:

34 (1) The continuing necessity for and appropriateness of the  
35 placement.

36 (2) The extent of the probation department's compliance with  
37 the case plan in making reasonable efforts to safely return the  
38 minor to the minor's home or to complete whatever steps are  
39 necessary to finalize the permanent placement of the minor.

1 (3) Whether there should be any limitation on the right of the  
2 parent or guardian to make educational decisions for the minor.  
3 That limitation shall be specifically addressed in the court order  
4 and may not exceed what is necessary to protect the minor. If the  
5 court specifically limits the right of the parent or guardian to make  
6 educational decisions for the minor, the court shall at the same time  
7 appoint a responsible adult to make educational decisions for the  
8 minor pursuant to Section 726.

9 (4) The extent of progress that has been made by the minor and  
10 parent or guardian toward alleviating or mitigating the causes  
11 necessitating placement in foster care.

12 (5) The likely date by which the minor may be returned to and  
13 safely maintained in the home or placed for adoption, appointed  
14 a legal guardian, permanently placed with a fit and willing relative  
15 or referred to another planned permanent living arrangement.

16 (6) In the case of a minor who has reached 16 years of age, the  
17 court shall, in addition, determine the services needed to assist the  
18 minor to make the transition from foster care to independent  
19 living.

20 The court shall make these determinations on a case-by-case  
21 basis and reference in its written findings the probation officer's  
22 report and any other evidence relied upon in reaching its decision.

23 (f) At any status review hearing prior to the first permanency  
24 hearing, the court shall order return of the minor to the physical  
25 custody of his or her parent or legal guardian unless the court finds,  
26 by a preponderance of evidence, that the return of the minor to his  
27 or her parent or legal guardian would create a substantial risk of  
28 detriment to the safety, protection, or physical or emotional  
29 well-being of the minor. The probation department shall have the  
30 burden of establishing that detriment. In making its determination,  
31 the court shall review and consider the social study report,  
32 recommendations, and the case plan pursuant to subdivision (b) of  
33 Section 706.5, the report and recommendations of any child  
34 advocate appointed for the minor in the case, and any other reports  
35 submitted to the court pursuant to subdivision (d), and shall  
36 consider the efforts or progress, or both, demonstrated by the  
37 minor and family and the extent to which the minor availed himself  
38 or herself of the services provided.

39 (g) At all status review hearings subsequent to the first  
40 permanency planning hearing, the court shall consider the safety

1 of the minor and make the findings and orders as described in  
2 paragraphs (1), (2), (4), and (6) of subdivision (e). The court shall  
3 either make a finding that the previously ordered permanent plan  
4 continues to be appropriate or shall order that a new permanent  
5 plan be adopted pursuant to subdivision (b) of Section 727.3.  
6 However, the court shall not order a permanent plan of “return to  
7 the physical custody of the parent or legal guardian after further  
8 reunification services are offered,” as described in paragraph (2)  
9 of subdivision (b) of Section 727.3.

10 (h) The status review hearings required by subdivision (c) may  
11 be heard by an administrative review panel, provided that the  
12 administrative panel meets all of the requirements listed in  
13 subparagraph (B) of paragraph (7) of subdivision (d) of Section  
14 727.4.

15 ~~SEC. 12.~~

16 *SEC. 15.* Section 4570 of the Welfare and Institutions Code is  
17 amended to read:

18 4570. (a) In order to remain informed regarding the quality  
19 of services in the area and to protect the legal, civil, and service  
20 rights of persons with developmental disabilities, the Legislature  
21 finds that it is necessary to conduct life quality assessments with  
22 consumers served by the regional centers.

23 (b) The department shall enter into an interagency agreement  
24 with the state council, on behalf of the area boards, to conduct the  
25 life quality assessments described in this section. This interagency  
26 agreement shall include assurances that the state council shall not  
27 direct the area boards in their conduct of these assessments or in  
28 the content or format of the annual reports submitted to the council  
29 by the area boards.

30 (c) Consistent with the responsibilities described in this  
31 chapter, the area board, with the consent of the consumer and,  
32 when appropriate, a family member, shall conduct life quality  
33 assessments with consumers living in out-of-home placements,  
34 supported living arrangements, or independent living  
35 arrangements no less than once every three years or more  
36 frequently upon the request of a consumer, or, when appropriate,  
37 a family member. If a consumer who is eligible to receive a life  
38 quality assessment is a dependent of a juvenile court pursuant to  
39 Section 300, 601, or 602, the assessment may be conducted with  
40 the consent of the court or social services agency. A regional center

1 or the department shall annually provide the local area board with  
2 a list, including, but not limited to, the name, address, and  
3 telephone number of each consumer, and, when appropriate, a  
4 family member, the consumer's date of birth, and the consumer's  
5 case manager, for all consumers living in out-of-home placements,  
6 supported living arrangements, or independent living  
7 arrangements, in order to facilitate area board contact with  
8 consumers and, when appropriate, family members, for the  
9 purpose of conducting life quality assessments.

10 (d) The life quality assessments shall be conducted by utilizing  
11 the "Looking at Life Quality Handbook" or subsequent revisions  
12 developed by the department.

13 (e) The assessments shall be conducted by consumers, families,  
14 providers, and others, including volunteer surveyors. Each area  
15 board shall recruit, train, supervise, and coordinate surveyors.  
16 Upon request, and if feasible, the area board shall respect the  
17 request of a consumer and, when appropriate, family member, for  
18 a specific surveyor to conduct the life quality assessment. An area  
19 board may provide stipends to surveyors.

20 (f) A life quality assessment shall be conducted within 90 days  
21 prior to a consumer's triennial individual program plan meeting,  
22 so that the consumer and regional center may use this information  
23 as part of the planning process.

24 (g) Prior to conducting a life quality assessment, the area board  
25 shall meet with the regional center to coordinate the exchange of  
26 appropriate information necessary to conduct the assessment and  
27 ensure timely followup to identified violations of any legal, civil,  
28 or service rights.

29 (h) Following the completion of each life quality assessment,  
30 the area board shall develop a report of its findings and provide a  
31 copy of the report to the consumer, when appropriate, family  
32 members, and the regional center providing case management  
33 services to the consumer. A copy of the life quality assessment of  
34 a consumer who is a dependent of a juvenile court pursuant to  
35 Section 300, 601, or 602 shall be provided, upon request, to the  
36 court or social services agency. In the event that a report identifies  
37 alleged violations of any legal, civil, or service right, the area  
38 board shall notify the regional center and the department of the  
39 alleged violation. The department shall monitor the regional



1 center to ensure that violations are addressed and resolved in a  
2 timely manner.

3 (i) Regional centers shall review information from the life  
4 quality assessments on a systemic basis in order to identify training  
5 and resource development needs.

6 (j) (1) On an annual basis, each area board shall prepare and  
7 submit a report to the state council describing its activities and  
8 accomplishments related to the implementation of this section.  
9 The report shall include, but not be limited to, the number of life  
10 quality assessments conducted, the number of surveyors,  
11 including those provided stipends, a description of the surveyor  
12 recruitment process and training program, including any barriers  
13 to recruitment, the number, nature, and outcome of any identified  
14 violations of legal, civil, or service rights reported to regional  
15 centers, and recommendations for improvement in the life quality  
16 assessment process.

17 (2) By September 15 of each year, the state council shall  
18 compile these reports and forward to the Governor, the  
19 Legislature, and the department.

20 (k) Implementation of this section shall be subject to an annual  
21 appropriation of funds in the Budget Act for this purpose.

22 ~~SEC. 13.~~

23 *SEC. 16.* Section 16000 of the Welfare and Institutions Code  
24 is amended to read:

25 16000. (a) It is the intent of the Legislature to preserve and  
26 strengthen a child's family ties whenever possible, removing the  
27 child from the custody of his or her parents only when necessary  
28 for his or her welfare or for the safety and protection of the public.  
29 If a child is removed from the physical custody of his or her  
30 parents, preferential consideration shall be given whenever  
31 possible to the placement of the child with the relative as required  
32 by Section 7950 of the Family Code. If the child is removed from  
33 his or her own family, it is the purpose of this chapter to secure as  
34 nearly as possible for the child the custody, care, and discipline  
35 equivalent to that which should have been given to the child by his  
36 or her parents. It is further the intent of the Legislature to reaffirm  
37 its commitment to children who are in out-of-home placement to  
38 live in the least restrictive, most familylike setting and to live as  
39 close to the child's family as possible pursuant to subdivision (c)  
40 of Section 16501.1. Family reunification services shall be



provided for expeditious reunification of the child with his or her family, as required by law. If reunification is not possible or likely, a permanent alternative shall be developed.

(b) It is further the intent of the Legislature to ensure that all pupils in foster care and those who are homeless as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) have the opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held. In fulfilling their responsibilities to pupils in foster care, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions must be based on the best interests of the child.

~~SEC. 14.~~

*SEC. 17.* Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CORRECTIONS

Text — Pages 7,8,9,10,22.